

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	CRIMINAL ACTION
v.)	
)	05-10138-DPW-01
LEONEL ESMENDY)	
GUERRA-PIMENTEL et al.)	
)	

THIRD JOINT STATUS REPORT

Pursuant to Local Rule 116.5(A), the United States respectfully submits this status report in connection with the initial status conference scheduled for October 17, 2005.

1. Local Rule 116.3 Timing Requirements

At the time of the First Status hearing in this case, on August 9, 2005, the government produced more than 800 pages of discovery to all defendants which included DEA reports, BPD reports, and search warrants from six different locations. The government also produced more particularized wiretap discovery which identifies the intercepted calls for each respective defendant.

None of the defendants have submitted any written requests for additional discovery.

2. Expert Testimony

At trial on the pending indictment, the government anticipates that it will present the testimony of one or more forensic chemists regarding the content of controlled substances seized during this case. The government may also present non-expert opinion testimony and expert opinion testimony pursuant to Fed. R. Evid. 701 and 703 by law enforcement agents regarding the content and meaning of the intercepted phone calls.

3. Additional Discovery

Automatic discovery under LR 116.1 in this case is complete. The government will produce these additional reports within two weeks. In addition to the documents provided to defendants, other physical evidence (drug and non-drug) is available for defense counsel's inspection by contacting government counsel and arranging a mutual convenient time. If any additional documentation/information is obtained, the government will provide such information to defense counsel.

4. Motion Date

The government anticipates that defense counsel will not be seeking a deadline for the filing of pretrial motions in this case.

5. Speedy Trial Calculations

Based on the complex nature of the case and undersigned conversation with several defense counsel in this matter, the court should exclude from the STA calculations the time from the initial status conference on November 16, 2005 until the court's next scheduled status hearing.

6. Anticipated Length of Trial

Given the number of co-defendants in this case, it is too early to determine whether a trial is required in this matter and the anticipated length of any such trial. If all remaining eight defendants went to trial, the trial would last at least 6 weeks.

7. Final Status Conference

The government ~~submits that no further status conferences~~
~~before the U.S. Magistrate are required.~~ *and the defendants request*
an additional status hearing


Respectfully submitted,

MICHAEL J. SULLIVAN

United States Attorney

By: /s/ Neil J. Gallagher, Jr.
Neil J. Gallagher, Jr.
Assistant U.S. Attorney

Date: November 16, 2005


Counsel for LEONEL
ESEMENDY GUERRA-PIMENTEL

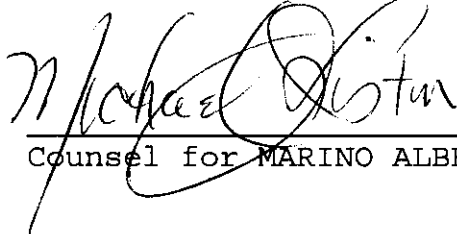
11/16/05
Date


Counsel for MARICAL
SOTO-GARCIA

11/16/05
Date

Counsel for ROBERTO TUENI

Date

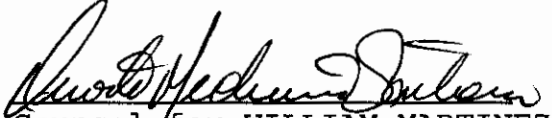

Counsel for MARINO ALBERTO

11-16-05
Date

Counsel for LUIS MANUEL
GONZALEZ-ORTIZ

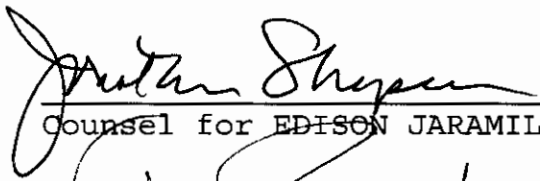
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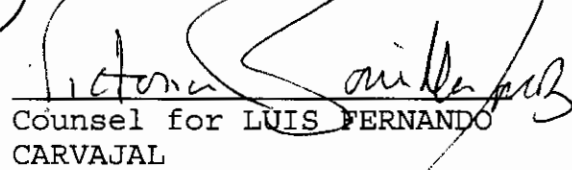
Counsel for MANUEL FLORENTINO


Counsel for WILLIAM MARTINEZ

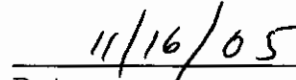
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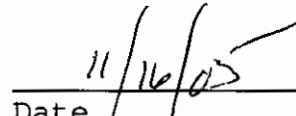

Date


Counsel for EDISON JARAMILO


Counsel for LUIS FERNANDO
CARVAJAL

Date


Date


Date